

**DEPARTMENT OF BUDGET AND FISCAL SERVICES  
NOTICE OF AND REQUEST FOR EXEMPTION  
FROM CHAPTER 103D, HRS**

1. TO: Chief Procurement Officer

2. FROM: Corporation Counsel

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:

Services of a private attorney to serve as special deputy corporation counsel to represent the City in the pending appeal by the landowner of the Admiral Thomas condominium project, which project is one of the last residential condominium leasehold conversion cases.

4. Name of Vendor: Lex R. Smith, Esq., Kobayashi, Sugita & Goda

Address: 999 Bishop Street, Suite 2600  
Honolulu, Hawaii 96813

5. Price:

\$2,500

6.  
Term of Contract:

From: Approval

To: 12/31/2011

7. Prior Exemption Ref. No.

0

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the City:

Procurement by competitive means is either not practicable nor advantageous to the City because the vendor has previously been representing the City in the Admiral Thomas leasehold conversion case. Vendor handled all motions and other proceedings in the First Circuit Court in Honolulu and prepared and filed the City's briefs in the Hawaii Supreme Court. The current status of the appeal is that it is to be scheduled for oral argument by the Court.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

The vendor was selected by the Department of the Corporation Counsel after a review of a list of qualified attorneys who have expertise in the areas of residential condominium leasehold conversion law and litigation law. Resolution No. 00-189, which retained vendor as a special deputy corporation counsel, is still in effect. As noted above, a procurement exemption process is warranted for the retention of the vendor since vendor has handled all previous proceedings in the Admiral Thomas case until vendor's contract expired. A new contract is needed to have vendor continue to represent the City in this case.

**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)**

10. A description of the agency's internal controls and approval requirements for the exempted procurement:

The Department of the Corporation Counsel will continue to oversee vendor's work and follow existing fiscal procedures for the authorization of payment for services performed under the contract and monitoring the term of the contract and availability of any needed contract funds.

11. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

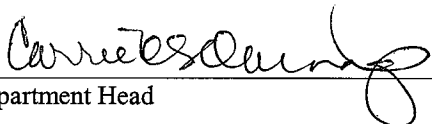
Name	Position	Involvement in Process	
Rix Maurer III	Dir., Budget & Fiscal Services	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Carrie Okinaga	Corporation Counsel	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

12. Direct inquiries to:

Department: Corporation Counsel  
 Contact Name: Winston K. Q. Wong  
 Phone Number: 768-5238  
 Fax Number: 768-5105

Agency shall ensure adherence to applicable administrative and statutory requirements

***To the best of my knowledge I certify that the information provided above is true, correct, and that there is no conflict of interest related to this procurement.***

  
 Department Head

5/7/10  
 Date

**Reserved for BFS Use Only**

Date Notice Posted \_\_\_\_\_

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer  
 Department of Budget and Fiscal Services  
 530 South King Street, Room 115  
 Honolulu, Hawaii 96813

Chief Procurement Officer's comments:

**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)**

☐ **APPROVED**   ☐ **DISAPPROVED**   ☐ **NO ACTION REQUIRED**

\_\_\_\_\_  
Chief Procurement Officer

\_\_\_\_\_  
Date